IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3880 OF 2007

Mohammad Shaban Mohammad Hasan & Ors. .....Applicants.
V/s
Staste of Maharashtra ....Respondent.

Mr.P.P.Runwal, Adv. For the applicants.

Mr.A.S.Shitole, APP For the respondent.

CORAM: A.P.DESHPANDE, J.
14/12/07

PC:

An order passed by the Judicial Magistrate, First Class, Chandwad declining return of stolen property to the accused has been challenged in the present application. The property in question comprises of copper wire and other articles. Perusal of the order passed by the learned Magistrate so also the revisional order passed by the Sessions Court reveal that the investigation is yet not complete. The property in question has been identified as that of belonging to the complainant-Suzlon Company which had erected wind mills. Perused the order. I do not see anything wrong with the impugned orders so as to warrant interference in exercise of inherent powers. Learned counsel for the applicant has placed reliance on a judgment in the case of ***Sunderbhai Ambalal Desai*** v/s ***State of Gujarat***, 2003 SCC (Cri.) 1943. The said judgment has no application to the facts in issue in the present case. Hence

application stands rejected. At this stage learned counsel for the applicant seeks liberty to apply yet again before the Magistrate for return of property after investigation is over. Liberty granted as prayed for.

14.12.07